Calendar No. 344

100TH CONGRESS
1st Session

SENATE

REPORT
100-181

PUTNAM COUNTY, FL, LAND CONVEYANCE

SEPTEMBER 25, 1987.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 1205]

The Committee on Energy and Natural Resources, to which was referred the act (H.R. 1205) to direct the Secretary of Agriculture to release a reversionary interest of the United States in certain land located in Putnam County, FL, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to the State of Florida, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 1205 would be to direct the Secretary of the Interior to release a reversionary interest of the United States in 1.1 acres of land in Putnam County, FL, that is currently owned by the State. The release of this reversionary interest is conditioned on Florida's agreement to place a similar reversionary restriction on another parcel of State-owned land. The act would also direct the Secretary of the Interior to convey, at fair market value, the mineral rights to this 1.1-acre parcel of land to the State of Florida.

BACKGROUND AND NEED

This act would direct the Secretary of Agriculture to release a reversionary interest of the United States in 1.1 acres of land in Putnam County, FL, that is currently owned by the State. The land, which was acquired by the United States in the 1930's, was deeded to the State of Florida in 1954 under authority of the Bankhead-Jones Farm Tenant Act of 1937 (16 U.S.C. 551) and is now managed by the University of Florida, Institute of Food and Agri-

S313-31

cultural Sciences. The 1937 statute provides that such lands may be sold, exchanged, or granted to public authorities only on condition that the property is used for public purposes. If the land ceases to be used for this purpose, title would revert to the United States. The release of this reversionary interest is conditioned on Florida's agreement to place a similar reversionary restriction on another parcel of State-owned land.

H.R. 1205 would also direct the Secretary of the Interior to convey to the State of Florida, the mineral rights to this parcel of land. In return, the State of Florida would pay any administrative costs and fair market value of the mineral interest, or $1 if the mineral interests have no value.

The release of the reversionary interest and sale of the mineral rights to the State of Florida property is necessary to clear the land title to permit its transfer to a private landowner.

LEGISLATIVE HISTORY

H.R. 1205 passed the House on May 27, 1987, by a vote of 374-0. A hearing was held by the Subcommittee on Public Lands, National Parks and Forests on July 30, 1987.

At a business meeting on September 16, 1987, the Senate Committee on Energy and Natural Resources ordered H.R. 1205 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 16, 1987 by unanimous vote of a quorum present recommends that the Senate pass H.R. 1205 as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

Yeas	Nays
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Bradley*	
Mr. Bingaman*	
Mr. Wirth	
Mr. Fowler*	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield*	
Mr. Domenici*	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles*	
Mr. Hecht	
Mr. Evans	

* Indicates voted by proxy.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 22, 1987.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1205, an act to direct the Secretary of Agriculture to release a reversionary interest of the United States in certain land located in Putnam County, Florida, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to the State of Florida. The legislation was ordered reported by the Senate Committee on Energy and Natural Resources, September 16, 1987.

H.R. 1205 would release one acre of land in Putnam County, Florida from the public use requirement contained in the original conveyance from the United States to the county. In exchange, the county would transfer to the United States vested future interests in other specified lands. The act would also allow the Secretary of the Interior to convey future U.S. mineral interests in the property of Putnam County for compensation equal to their fair market value.

Based on information from the Departments of Agriculture and the Interior, CBO estimates that enactment of this bill would not result in significant additional costs to the federal government. The United States would receive compensation from the county if mineral interests in the land are determined to be of value. While CBO is unable to estimate the value of federal interests in the land at this time, they are unlikely to be significant.

Enactment of H.R. 1205 is not expected to result in significant additional costs to state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1205. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1205, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of Agriculture setting forth executive agency recommendations relating to H.R. 1205 is set forth below:

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
SEP 8 1987
WASHINGTON D.C. 20510

August 19 1987

Honorable J. Bennett Johnston
Chairman, Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This is in reply to your request for the views of this Department on H.R. 1205, an act, "To direct the Secretary of Agriculture to release a reversionary interest of the United States in certain land located in Putnam County, Florida, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to the State of Florida."

The Department of Agriculture has no objection to the enactment of H.R. 1205.

This act would direct the Secretary of Agriculture to release a reversionary interest of the United States in 1.1 acres of land in Putnam County, Florida, that is currently owned by the State. The land, which was acquired by the United States in the 1930's, was deeded to the State of Florida in 1954 under authority of the Bankhead-Jones Farm Tenant Act of 1937 (16 U.S.C. 551) and is now managed by the University of Florida, Institute of Food and Agricultural Sciences. The 1937 statute provides that such lands may be sold, exchanged, or granted to public authorities only on condition that the property is used for public purposes. If the land ceases to be used for this purpose, title would revert to the United States. The release of this reversionary interest is conditioned on Florida's agreement to place a similar reversionary restriction on another parcel of State-owned land.

The House act would also direct the Secretary of the Interior to convey to the State of Florida, the mineral rights to this parcel of land. In return, the State of Florida would pay any administrative costs and fair market value of the mineral interest, or $1 if the mineral interests have no value. We defer to the views of the Department of the Interior concerning the mineral rights.

The release of the reversionary interest and sale of the mineral rights to the State of Florida property is necessary to clear the land title to permit its transfer to a private landowner.

This act is not unique; there have been five similar laws enacted within the last 4 years. The last such action was in 1985, involving lands in Brantley County, Georgia. As a result of increasing pressures for development of rural

lands, and our anticipation that requests to remove these reversionary interests on Bankhead-Jones lands will increase, the Administration has proposed legislation of a general nature that would reduce the need for future legislation on a case-by-case basis. It would provide limited authority to release the reversionary interests under a set of specified conditions. The proposal was presented to Congress on July 13 of this year. We would prefer that the Committee pursue this generic approach in lieu of taking further action on H.R. 1205. However, we would not object to the enactment of H.R. 1205.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Peter Myers

PETER C. MYERS
Acting Secretary

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the act H.R. 1205, as reported.

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Calendar No. 347

100TH CONGRESS
1st Session

SENATE

REPORT
100-184

DESIGNATING THE KERN RIVER AS A NATIONAL WILD AND SCENIC RIVER

SEPTEMBER 25, 1987.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 247]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 247) to designate the Kern River as a National Wild and Scenic River, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraphs at the end:

"( ) (A) NORTH FORK KERN RIVER, CALIFORNIA.—The segment of the main stem from the Tulare-Kern County line to its headwaters in Sequoia National Park, as generally depicted on a map entitled 'Kern River Wild and Scenic River—Proposed' and dated June, 1987; to be administered by the Secretary of Agriculture; except that portion of the river within the boundaries of the Sequoia National Park shall be administered by the Secretary of the Interior. With respect to the portion of the river segment designated by this paragraph which is within the boundaries of Sequoia National Park, the requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the general management plan for the park, and the boundaries, classification, and development plans for such portion need not be published in the Federal Register. Such revision to the general management plan for the park shall assure that no developments or use of park lands shall be undertaken that is inconsistent with the designation of such river segment.

"(B) SOUTH FORK KERN RIVER, CALIFORNIA.—The segment from its headwaters in the Inyo National Forest to the southern boundary of the Domelands Wilderness in the Sequoia National Forest, as generally depicted on a map entitled 'Kern River Wild and Scenic River—Proposed' and dated June, 1987; to be administered by the Secretary of Agriculture.

S313-32

"(C) Nothing in this Act shall affect the continued operation and maintenance of the existing diversion project, owned by Southern California Edison on the North Fork of the Kern River, including reconstruction or replacement of facilities to the same extent as existed on the date of enactment of this paragraph.

"(D) For the purposes of the segments designated by this paragraph, there are authorized to be appropriated such sums as may be necessary, but not to exceed $100,000, to the Secretary of the Agriculture for development and land acquisition.".

Purpose of the Measure

The purpose of S. 247 is to designate 151 miles of the North and South Forks of the Kern River in California as components of the National Wild and Scenic Rivers System.

Background and Need

The Kern River begins high in the Sierra Nevada Mountains in the Sequoia National Park, and then flows down through the Sequoia National Forest. The river is accessible to the most populous areas of southern California, and it is estimated that approximately 290,000 people use the Kern River for recreation each year.

While most of the land along the river is in public ownership, three private citizens won about 187 acres along the southern section of the North Fork. Southern California Edison operates the only hydroelectric facility along the river. Parts of the project are located approximately 13.4 miles upstream from the Community of Kernsville, CA. They include an approximately 80-foot high diversion dam, power and telephone lines, two small service buildings, intake and gate controls, and a large concrete sandbox.

The North Fork of the Kern River was designated as a wild and scenic study river in 1978. In 1982, the Forest Service released its recommendation to designate all of the North Fork as a wild and scenic river with the exception of the lower 17.3 miles. The Forest Services felt that this section did not meet wild and scenic criteria because of recreational development along the river.

While the South Fork of the river was never placed on the wild and scenic study list, the recently released draft plan for the Sequoia National Forest, where most of the river is located, recommends the South Fork for inclusion in the Wild and Scenic Rivers System. The draft plan is also consistent with earlier Forest Service recommendations that the North Fork be designated with the exception of the lower 17.3 mile stretch.

Legislative History

S. 247 was introduced by Senator Cranston on January 6, 1987. Senator Wilson was added as a co-sponsor on January 21, 1987. A hearing was held on this measure in the Public Lands, National Parks and Forests Subcommittee on April 23, 1987.

At a business meeting on September 16, 1987, the Senate Committee on Energy and Natural Resources ordered S. 247, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on September 16, 1987 by unanimous vote of

a quorum present recommends that the Senate pass S. 247 if amended, as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Bradley*	
Mr. Bingaman*	
Mr. Wirth	
Mr. Fowler*	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield*	
Mr. Domenici*	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles*	
Mr. Hecht	
Mr. Evans	

*Indicates voted by proxy.

Committee Amendments

During the consideration of S. 247, the Committee adopted an amendment in the nature of a substitute. The substitute includes a number of technical and conforming amendments as well as one substantive change.

The substantive change deals with Southern California Edison's diversion project on the North Fork. The Committee adopted an amendment that nothing in the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) would preclude the continued operation and maintenance of the existing diversion project to the extent that it exists at the date this Act is enacted.

It is not the Committee's intention that the wild and scenic designation interfere with the operation or maintenance of the hydroelectric project or with other existing electric utility operations associated with it along such segment of river. However, it is nonetheless the intention of the Committee that these hydroelectric operations remain at the level existing on the date of enactment of this Act.

Cost and Budgetary Considerations

The Congressional budget Office estimate of the costs of this measure had been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 247. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 247, as reported.

Executive Communications

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to S. 247 is set forth below:

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
JUN 4 1987
WASHINGTON, D.C. 20510

May 29 1987

Honorable J. Bennett Johnston
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

As you requested, here is our report on S. 247, a bill "To designate the Kern River as a national wild and scenic river."

The Department of Agriculture recommends enactment of S. 247, if amended to delete the 17.8-mile segment of the North Fork of the Kern River from 5,600 feet above the Johnsondale Bridge downstream to the Kern-Tulare County line. We defer to the Department of the Interior for recommendations on that portion of the Kern River under its jurisdiction.

The bill would designate the North Fork of the Kern River as an addition to the National Wild and Scenic Rivers System from its source in the Sequoia National Park to the Kern-Tulare County line. The South Fork of the Kern River would be designated from its source in the Inyo National Forest to the southern boundary of the Dome Land Wilderness in the Sequoia National Forest.

The North Fork of the Kern River has been studied by the Sequoia National Forest as required by P.L. 95-625. The approved Environmental Impact Statement and Study Report was transmitted by the President to the Congress on April 26, 1985. The study recommended designation of the 60.7-mile segment of the river from its source in Sequoia National Park to a point 5,600 feet upstream from the Johnsondale bridge. The 17.8-mile segment from 5,600 feet above the Johnsondale bridge downstream to the Kern-Tulare County line is not recommended for designation as wild and scenic because of local concerns and potential mineral development. This river segment is a heavily used recreation area with 10 Forest Service recreation sites along this portion of the river. Designation of this river segment would preclude any plans Southern California Edison may have for expansion, major rehabilitation, or cogeneration of its existing power diversion in this portion of the river.

The South Fork of the Kern River was studied for its potential as a Wild and Scenic River by the Sequoia National Forest in conjunction with its Forest planning process. The Draft Forest Plan and Environmental Impact Statement were completed in December 1985 and recommended designation of the South Fork of the Kern as a Wild and Scenic River. Designation of the South Fork of the Kern River as a Wild and Scenic River would have little impact on minerals, timber, or other resource values. No purchase of private lands or scenic easements would be necessary as a result of this bill.

Enactment of S. 247 would not incur any significant costs to the Federal Government.

The Office of Management and Budget advises there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

PETER C. MYERS
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 247, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

WILD AND SCENIC RIVERS ACT

[16 U.SC. 1271-1287]

AN ACT To provide a National Wild and Scenic Rivers System, and for other purposes

* * * * * * *

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) * * *

* * * * * * *

( ) (A) NORTH FORK KERN RIVER, CALIFORNIA.—The segment of the main stem from the Tulare-Kern County line to its headwaters in Sequoia National Park, as generally depicted on a map entitled "Kern River Wild and Scenic River—Proposed" and dated June, 1987; to be administered by the Secretary of Agriculture; except that portion of the river within the boundaries of the Sequoia National Park shall be administered by the Secretary of the Interior. With respect to the portion of the river segment designated by this paragraph which is within the boundaries of Sequoia National Park, the requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the general management plan for the park, and the boundaries, classification, and development plans for such portion need not be published in the Federal Register. Such revision to the general management plan for the park shall assure that no developments or use of

park lands shall be undertaken that is inconsistent with the designation of such river segment.

(B) SOUTH FORK KERN RIVER, CALIFORNIA.—The segment from its headwaters in the Inyo National Forest to the southern boundary of the Domelands Wilderness in the Sequoia National Forest, as generally depicted on a map entitled "Kern River Wild and Scenic River—Proposed" and dated June, 1987; to be administered by the Secretary of Agriculture.

(C) Nothing in this Act shall affect the continued operation and maintenance of the existing diversion project, owned by Southern California Edison on the North Fork of the Kern River, including reconstruction or replacement of facilities to the same extent as existed on the date of enactment of this paragraph.

(D) For the purposes of the segments designated by this paragraph, there are authorized to be appropriated such sums as may be necessary, but not to exceed $100,000, to the Secretary of the Agriculture for development and land acquisition.

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